

CITY OF BLOOMINGTON ANNUAL REPORT – 2007

Members

Duane Busick, chair
Jessye Stryker, vice chair
Eric Ost
Suzann Owen
Carl Zager

Major activities of the Telecommunications Council of the City of Bloomington in 2007
Focused on

- responding to and assisting citizens in their relationships with video franchise operators
- examining the impact of Indiana's 2006 telecommunications legislation, in particular
 - the provisions for local citizen input or complaint,
 - the status of Public, Educational and Government (PEG) channels on video systems, and
 - the status of emergency alerts and overrides on the video systems.

Citizen Complaints

In March, a citizen complaint to the Federal Communications Commission (FCC) concerning the inability to receive digital versions of basic cable channels resulted in a discussion between the subscriber and Insight, facilitated by the Telecommunications Council. Subsequent contact resulted in the subscriber and Insight solving the problem to the satisfaction of all parties.

Also in March, a citizen complained to the Council about the inability to receive (Community Access Television Services) CATS on the AT&T Uverse system, Bloomington's newest video service provider. The subscriber was also disappointed that VCR recording is only possible on the channel being viewed. The subscriber was informed by AT&T that to record one channel and watch another would require a DVR box, which was not part of the tier the subscriber had signed up for. A problem with e-mail was resolved with help from University Information Technology Services (UITS) at Indiana University.

Emergency Alert System

During the year, the Council received reports of irregular airing of emergency alerts and explored their possible sources. (See addendum for details.)

During this investigation, Council became aware that during actual emergencies, only Insight was overriding cable transmission with information. The cable provider was interrupting for both EAS announcements as required by FCC regulation and Central Dispatch announcements as agreed-upon by the former City and County franchise agreements.

Erratic alerts, often during the night, were originating from an unknown source.

Initially, Council believed that AT&T Uverse was not participating in local announcement because the state legislation did not contain that requirement. However, Council learned that AT&T had not been participating in FCC EAS announcements and had, in fact, applied in December for a waiver from such until June, 2008. Effectively, for all of 2007, only Insight had been doing any EAS or local interrupts for emergencies.

Changes in Franchising

With Insight opting in December 2006 to relinquish its local franchise in preference for the statewide certificate of authority for video services (franchise). Bloomington's video service providers' first full year of operation without any local regulation was 2007. This resulted in:

- Representatives of Insight, at the instructions of their superiors, no longer attended the Telecommunications Council's monthly meetings.
- Representatives of ATT Uverse never appearing.
- No accountability: The TCC no longer received monthly information on numbers of subscribers from any video service provider.
- The city's receiving quarterly franchise fees from the video service providers, but without any information on the basis of the fees, which are mandated to be five percent of the gross revenues:
 - Monthly charges for video service
 - Event based charges (pay per view, VOD)
 - Charges for rental of set top boxes and other equipment
 - Service charges (activation, installation, repair)
 - Administrative charges
- Franchise fee payments in 2007 were:

	AT&T	Insight/Comcast
January-March 2007	\$63.79	\$158,071.72
April-June 2007	\$316.44	\$153,180.31
July-September 2007	\$1,334.91	\$154,931.58
October-December 2007	\$3,665.59	\$179,066.73

Video Service Provider: AT&T

The Council began receiving questions about AT&T's Uverse in early 2006, when one local citizen appeared before the Council at its March meeting to complain about the

absence of CATS channels on her service. That raised a question that was never resolved through the year, although the state franchise law requires all providers to carry the local public, educational, and government (PEG) channels.

At each meeting, the Council asked the PEG channel operators (Monroe County Public Library, five channels; WTIU, one channel) the status of their dealings with AT&T. All reported limited communication.

In early June, two Council members, Rick Dietz from the City, and two representatives of CATS met with Jim Tackett and Steven Rogers of AT&T, who solicited information from the PEG operators through their PEG Service Surveys. Those were completed and provided to AT&T by CATS and WTIU later in the summer. AT&T made an on site visit to CATS and WTIU on Sept. 5, 2007. But by year's end, still no local PEG channels were available in Bloomington.

Video Service Provider: Insight

Insight local management continued to be responsive to council members' and city inquiries about service, especially regarding emergency alerts. They voluntarily remained in compliance with most terms of the terminated local franchise. The one exception was their not attending monthly meetings, as requested by the regional management.

Indiana Insight operations were scheduled to become a Comcast at year's end. The immediate local impact of that was that the Big Ten Network was not carried locally because Comcast nationally had not come to an agreement for such carriage. That generated considerable public unhappiness due to the number of Indiana University basketball games that were only available on BTN.

At year's end, the Council anticipated the possible changes that the transition of the local cable system's ownership from Insight to Comcast might bring.

Relationship with Indiana Utilities Regulatory Commission

Throughout the year, the Council willingly heard any citizens complaints or inquiries but referred them to the Indiana Utilities Regulatory Commission, which now oversees the implementation of the state wide video service franchises.

The council continued to be in contact with the IURC, keeping that staff aware of AT&T's failure to comply with the law. Also, the Council placed in inquiry with the FCC, though the office of Senator Richard G. Lugar, about new wire-line (telephone company) video service providers' requirements to comply with the same regulations as cable service providers. (The response from the FCC is included as an addendum to this report.)

ADDENDUM

Emergency Alerts

A citizen complained about two early morning EAS (Emergency Alert System) overrides on February 14, 2007. The concern was regarding why there were two tests so close together and why rock and roll music was playing as the background music. This complaint and another in May generated a Council investigation into both the local and national alerts and tests on the two video systems. The Telecommunications Council was made aware by a citizen in May that seemingly errant emergency interrupts were occurring on the Insight system. That citizen also contacted Emergency Management Director John Hooker with questions about the county siren system. Questions were raised about what procedures AT&T Uverse would be using for Emergency Alert System (EAS) overrides.

While information concerning AT&T would not be available to the Council until 2008, an investigation of the Insight situation was conducted during December by members of the Council, Information Technology staff, the Central Dispatch manager, and Insight representatives. That investigation has continued into 2008.

A citizen reported that at 01:04 EST, Dec 2, 2007, the audio on Insight Channel 13 (WTHR) in Bloomington, IN, suddenly sounded the emergency alert tones and, simultaneously, the video switched over to an emergency alert blue screen. After approximately 3 seconds, the audio/video switched back to the regular program and then, in less than 1 second, the audio/video abruptly cut back to the emergency alert tones and the emergency alert blue screen. After another approximately 3 seconds, the tones ceased and the video went back to the regular program. No other audio or video accompanied the insight system interrupt.

These (truncated?) emergency alert interrupts had been reported by citizens as happening on a recurring basis on the Insight system. Council believes there are a number of problems with these sudden, brief emergency alert interrupts:

1. They are confusing and do not indicate whether they are notices of an actual emergency situation or they are "only a test."
2. They are so brief that there is no way that a central dispatch operator could read a statement for someone to be able to listen and understand, nor would a viewer have sufficient time to read and digest a scrolling text message.
3. The volume of the emergency alert tone audio which accompanies these 'tests' is many times greater than the volume of the audio of the regular program. These 'tests' are quite striking, intrusive, and annoying.

Annoying and intrusive are fine if the event is a valid emergency alert or a necessary test of the system interrupt capability. However, these events seem to be neither.

During a casual encounter prior to Thanksgiving, council member Eric Ost asked Insight's Jim Higgins about these sudden, brief late-night tests of the emergency alert system that seemed to occur on random days on Insight's video.

Higgins stated that there are no tests that Insight triggers independent of the Central Dispatch center and that the events that I have seen must have been initiated by the "folks at central dispatch."

On December 3, council member Carl Zager asked Central Dispatch manager Jeff Schemmer, "Can you confirm that Central Dispatch did or did not trigger an emergency alert on Insight's cable system at 01:04 EST on Dec 2, 2007? We have had some citizen complaints and I have insisted that this was not Central Dispatch. Insight says it was not they."

Schemmer replied that they did not perform a test on that date. "We (CEDC) only test on Mondays at 0300 hrs. This is an ongoing problem, since everyone seems to have the capability of performing these."

Further, Schemmer stated, "According to the Indiana Association of Broadcasters, who I believe oversees the overrides. The message is supposed to denote whether it is a test or a real activation, either visually or audibly. Seems someone is using the same header for both."

A citizen reported an approximately 4 second emergency alert to have occurred at 12:56 am EST, Dec 8, 2007, while tuned to on Insight Channel 50,. According to the report, the only audio consisted of two soundings of the two-tone emergency signal. The only video consisted of the static alert text on the solid background. There was no accompanying qualification indicating whether this event was a test of the alert system or notification of an actual emergency.

Schemmer investigated and reported to Council, "I believe these are tests that are being conducted elsewhere in the state by agencies such as the State Police in Indianapolis. The problem is the "header" they show on television and the way the test is conduct doesn't follow the guidelines set up by the Indiana Associations of Broadcasters which states a test should indicate either audibly or visually that a test is being conducted. Mayor Kruzan has voiced concerns about this confusing the public. I have been trying to address this problem with no success at the various levels I have tried." Schemmer included links to a copy of the FCC EAS regulations:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=75127c72007aa6a3f1ce8fda8cb814e2&rgn=div5&view=text&node=47:1.0.1.1.10&idno=47>

Another random, false, unqualified activation of an emergency alert was reported by a citizen to have occurred at 12:34 EST, Dec 14, 2007, on Insight. The event lasted for approximately 6 seconds and followed the same pattern reported twice before.

Schemmer reported to Council in January that the problems observed are:

1. Message comes on showing a header of "emergency activation turn to your local channel for further details".
2. There is no audio message with it stating it is a test or otherwise.
3. These usually last 15-30 seconds UNLESS, whoever is triggering the alert doesn't disconnect correctly. Then they run for a preprogrammed amount of time usually 3 minutes.
4. In some cases music has been piped into the broadcast as if you were put on hold.

"The rules for the EAS test states there needs to be a visual and audio indicator that a test is being conducted.

"There are agencies all over the state that conduct these tests, so it is hard to say who is triggering them. Example: When I trigger an alert, people as far away as Franklin will receive my alert.

"There used to be somewhat of a schedule for the testing on the internet, however, I can no longer find it.

"The Indiana Association of Broadcasters deals with the overrides. Their link is as follows <http://www.indianabroadcasters.org/>. You will find links to the rules and such," reported Schemmer.